

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ANGELA H. MORRIS,

Plaintiff,

v.

Case No. 24-cv-1157-bhl

MARTIN J. O'MALLEY,

Commissioner for Social Security Administration,

Defendant.

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**ORDER GRANTING MOTION FOR LEAVE TO PROCEED  
WITHOUT PREPAYMENT OF THE FILING FEE**

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On September 11, 2024, Plaintiff Angela Morris filed a complaint seeking review of the decision of the Commissioner for Social Security. (ECF No. 1.) That same day, she also filed a motion for leave to proceed without prepaying the filing fee or *in forma pauperis* (IFP) utilizing the Court's local form. (ECF No. 3.) The Court has authority to allow a litigant to proceed IFP if it determines that (1) the litigant is unable to pay the costs of commencing the action and (2) the action is not frivolous, does not fail to state a claim, and is not brought against an immune defendant. *Cf.* 28 U.S.C. § 1915(a)(1), (e)(2).

In her motion, Morris states her only income is \$253.00 per month in child support and \$643.00 in food stamp benefits. (ECF No. 3 at 2.) She also states she has no money in either a checking or savings account and no other assets. (*Id.* at 3–4.) Morris lives in a low-income apartment and supports two children, ages 13 and 14. (*Id.* at 1–2.) Based on Plaintiff's representations, which includes a signed declaration under penalty of perjury, the Court concludes that Plaintiff would have substantial financial difficulty in paying the filing fee.

This does not end the matter, however. As part of evaluating an IFP request, the Court must also review the complaint for sufficiency. If the complaint fails to state a claim on which relief may be granted, it must be dismissed. *See Luevano v. Wal-Mart Stores, Inc.*, 722 F.3d 1014, 1018 (7th Cir. 2013). Similarly, a frivolous complaint must also be dismissed. 28 U.S.C. §1915(e)(2)(B)(i). "A frivolous complaint is one in which 'the petitioner can make no rational

argument in law or facts to support his or her claim for relief.” *Williams v. Faulkner*, 837 F.2d 304, 306 (7th Cir. 1988) (quoting *Jones v. Morris*, 777 F.2d 1277, 1279-80 (7th Cir. 1985)).

Here, Morris timely invoked this Court’s jurisdiction pursuant to 42 U.S.C. § 405(g). (ECF No. 1.) She argues that the administrative law judge decision denying her claim for Supplemental Security Income and Adult Child Disability Insurance Benefits is not supported by substantial evidence and is contrary to law. (*Id.* at 1–2.) These arguments are not obviously frivolous and appear to state a potential claim. As a result, the Court will grant Morris’s request to waive prepayment of the filing fee.

**IT IS HEREBY ORDERED** that Plaintiff Angela Morris’s motion for leave to proceed without prepaying the filing fee, ECF No. 3, is **GRANTED**.

Dated at Milwaukee, Wisconsin on September 12, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge